



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

Date Distributed: August 20, 2009

MEETING AGENDA

September 9, 2009

Video/Teleconference – two locations

California Regional Water Quality
Control Board – Lahontan Region
Victorville Office -
Conference Room
14440 Civic Drive, Suite 200
Victorville, CA 92392

California Regional Water Quality
Control Board – Lahontan Region
South Lake Tahoe Office -
Conference Room
2501 Lake Tahoe Blvd.
So. Lake Tahoe, CA 96150

Regular Meeting: 2:00 p.m.

Note: The Board is conducting this meeting using a combination of video and teleconference equipment that will permit Board members to participate from the two locations shown above (Section 11123 of the Government Code). Board members will be participating from both the Victorville and the South Lake Tahoe location. A quorum of the Board will be present for this meeting.

The public may attend the open session portions of the meeting at either location. The Board will be conducting a closed session during this meeting. Following the closed session, the Board will return to open session prior to adjourning the meeting.

Both meeting rooms are accessible to people with disabilities. If you have special accommodations or language needs, please contact Laurie Applegate at least 5 days prior to the meeting date at (530) 542-5414 or LApplegate@waterboards.ca.gov. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

REGULAR MEETING

Wednesday, September 9, 2009 – 2:00 p.m.

1. PUBLIC FORUM

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda. Comments

California Environmental Protection Agency



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will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least ten days prior to the meeting. Comments regarding matters that are under development for future meetings will be restricted. (See http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top)

2. MINUTES

Minutes of the Regular Meeting of July 8-9, 2009, in South Lake Tahoe, CA (Laurie Applegate)

OTHER BUSINESS

3. Executive Officer's Report (The Water Board will not be asked to take any formal action; however, it may provide direction to staff.) (Harold Singer)

--- **Discussion of Standing Items**

--- **Notification of Spills (Pursuant to Section 13271, California Water Code and Section 25180.7, California Health and Safety Code)**

--- **Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations)**

4. CLOSED SESSION *

- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
- b. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(c)(I).**
- c. **Discussion of Litigation filed by the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Glen R. Hammond and Limited Partners, Kern County Superior Court Case No. 235695. Authority: Government Code Section 11126(e).**
- d. **Discussion of Litigation: Regional Water Quality Control Board, Lahontan Region v. Mary Ann Ferguson, et al., Placer County Superior Court Case No. T CV 1002. Authority: Government Code Section 11126(e).**
- e. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson et al., El Dorado Superior Court Case No. SC20010089. Authority: Government Code Section 11126(e).**

* At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon the evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126(a), (c)(3) and (e).

- f. **Discussion of Litigation: Atlantic Richfield Company v. State of California, State Water Resources Control Board, California Regional Water Quality Control Board, Lahontan Region, et al., Los Angeles County Superior Court Case No. BC380474. Authority: Government Code Section 11126(e).**
- g. **Discussion of Litigation: Osborne v. State of California Lahontan, Victor Valley Wastewater Reclamation Authority and Does 1 to 100, San Bernardino County Superior Court Case No. 805631. Authority: Government Code section 11126(e).**
- h. **Discussion of Litigation (Petition for Review of Lahontan Water Board Action Filed with the State Water Resources Control Board): Sierra Forest Legacy et al. v. Lahontan Regional Water Quality Control Board (SWRCB/OCC File No. A-2025). Authority: Government Code section 11126(e).**
- i. **Discussion of Litigation: Sierra Forest Legacy et al. v. California Regional Water Quality Control Board, Lahontan Region, et al., El Dorado County Superior Court Case No. SC20090123. Authority: Government Code section 11126(e).**
- j. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**

ADJOURNMENT

Any person aggrieved by an action of the California Regional Water Quality Control Board, Lahontan Region that is subject to review as set forth in Water Code section 13320(a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Note: A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

For the Northern Lahontan Basin, Tobi Tyler in South Lake Tahoe at (530) 542-5435, ttyler@waterboards.ca.gov

For the Southern Lahontan Basin, Cindi Mitton in Victorville at (760) 241-7413, cmittton@waterboards.ca.gov

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

CALIFORNIA WATER QUALITY CONTROL BOARD

LAHONTAN REGION

Main Office: 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150 (530) 542-5400
 Branch Office: 14440 Civic Drive, Suite 200, Victorville, CA 92392 (760) 241-6583

LAHONTAN WATER BOARD MEMBERS

Name	Location of Residence or Business	Appointment Category
Jack Clarke, Chair	Apple Valley	Water Supply
Mike Dispenza, Vice Chair	Palmdale	Municipal Government
James Charlton	Palmdale	Public
R. Keith Dyas	Rosamond	Industrial Water Use
Amy Horne, Ph.D.	Truckee	Rec., Fish and Wildlife
Don Jardine	Markleeville	County Government
Eric Sandel	Truckee	Water Quality
Vacant		Irrigated Agriculture
Vacant		Water Quality

LAHONTAN WATER BOARD STAFF

Harold J. Singer Interim Executive Officer	Robert Dodds Assistant Executive Officer	David Coupe Counsel to the Board	Laurie Applegate Executive Assistant	Cindy Rofer-Wise Ombudsman
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South Lake Tahoe Office: Chuck Curtis, Manager, Cleanup and Enforcement Division
 Chein Kao, Chief, Leviathan Mine Unit
 Scott Ferguson, Chief, Enforcement & Special Projects Unit
 Richard Booth, Chief, Cleanup and Site Investigation Unit

Lauri Kemper, Manager, North Lahontan Watersheds Division
 Alan Miller, Chief, North Basin Regulatory Unit
 Doug Smith, Chief, TMDL Unit
 Douglas Cushman, Chief, Non-Point Source Unit

Victorville Office: Mike Plaziak, Manager, Southern Lahontan Watershed Division
 Cindi Mitton, Chief, South Basin Regulatory Unit
 Patrice Copeland, Chief, Land Disposal Unit

The primary responsibility of the Water Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

Recordings are made of each Board meeting and these tapes/ CDs are retained in the Board's office for two years. Anyone desiring copies should contact Laurie Applegate at (530) 542-5414, for the current fee schedule for copies.

NOTES

A. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Friday, twelve days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person affected by a certain decision of the California Regional Water Quality Control Board, Lahontan Region, (Lahontan Water Board) may petition the State Water Resources Control Board to review the decision. The petition must be received by the State Water Board within 30 days of the Lahontan Water Board's meeting at which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Lahontan Water Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Water Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Water Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Water Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126 (a), (c)(3) and (e).